IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

WP(C).No. 10144 of 2007(G)

PETITIONER:

1. **STATE BANK OF TRAVANCORE**
   SC/ST STAFF WELFARE ASSOCIATION REG.NO.212/89
   REP. BY ITS PRESIDENT S.SHANMUGHA VELU
   REGD. OFFICE MANASI, T.C.8/164
   THIRUMALA JN, THIRUMALA P.O.
   THIRUVANANTHAPUAM - 695 006

2. **C.RAVI KUMAR, GENERAL SECRETARY**
   STATE BANK OF TRAVANCORE SC/ST STAFF WELFARE ASSOCIATION, MANASI, T.C. 8/164, THIRUMALA JN.
   THIRUVANANTHAPUAM- 695 006

BY ADV. SRI.D.ROBINSON

RESPONDENTS:

1. **B.DIVAKARAN, AGED 55 YEARS**
   CONCURRENT AUDITOR
   STATE BANK OF TRAVANCORE MAIN BRANCH
   THIRUVANANTHAPUAM

2. **T.R.BALAKRISHNAN, AGED 50 YEARS**
   S/O RAMAN, DEPUTY MANAGER
   STATE BANK OF TRAVANCORE SSI BRANCH,
   STATUE, THIRUVANANTHAPUAM

3. **THE MANAGING DIRECTOR**
   STATE BANK OF TRAVANCORE HEAD OFFICE,
   POOJAPPURA, THIRUVANANTHAPUAM

4. **THE ASSISTANT GENERAL MANAGER**
   STATE BANK OF TRAVANCORE, TRIVANDRUM MAIN BRANCH
   THIRUVANANTHAPUAM

BY ADV.SRI.SATHISH NINAN, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/03/07, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.10144 OF 2007

DATED THIS THE 23rd DAY OF MARCH, 2007

JUDGMENT

The dispute in this writ petition is between Sri. Shanmugha Velu and Sri.C.Ravikumar claiming to be the President and the General Secretary of the State Bank of Travancore SC/ST Staff Welfare Association and respondents 1 and 2, who according to the petitioners, have illegally usurped the powers of the president and General Secretary of the Association. The petitioners have on these allegations approached this Court seeking the following reliefs.

> " i) to issue a writ of mandamus or any other appropriate writ, direction or order directing the 3rd respondent and restraining him from allowing the 1st and 2nd respondents to represent the petitioners Association and to attend the quarterly meeting of the Bank with the petitioners Association.
>
> ii) to issue a writ of mandamus or any other appropriate writ or direction directing the 1st and 2nd respondents and retraining them from interfering and interrupting the official duties of the petitioners as President and General Secretary of the Association and to declare that the 'election' of the first and second respondent as President and General Secretary of the Association is null and void.
>
> iii) to issue a writ of mandamus or any other appropriate writ direction or order directing the 4th respondent and restraining him from allowing the 1st and 2nd respondents from the operation of the SB

Account No.57037147756 and Fixed Deposit Account No.67014546865 of the petitioners Association.

iv) to issue such other or further reliefs as this Hon'ble Court deem fit and proper in the circumstances of the case."

2. I do not think that this is the matter which comes within the purview of this Court under Article 226 of the Constitution of India. The reliefs prayed for by the petitioners against the 3rd respondent do not pertain to any statutory functions or any public function exercisable by the 3rd respondent. That being so, no writ would lie against the 3rd respondent for the reliefs sought for by the petitioners in this writ petition.

In the above circumstances, the writ petition is dismissed as not maintainable.

S. SIRI JAGAN, JUDGE

Acd